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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/551,243

09/28/2005

Jose Sevilleja Perez

60469-232; OT-5042 LAB

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EXAMINER

KRUER, STEFAN

ART UNIT

PAPER NUMBER

3654

MAIL DATE

DELIVERY MODE

05/28/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/551,243	PEREZ, JOSE SEVILLEJA	
	Examiner	Art Unit	
	Stefan Krueer	3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10, 12 - 13, 15 - 33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20 - 33 is/are allowed.
- 6) ☒ Claim(s) 10, 12 - 13 and 17 - 19 is/are rejected.
- 7) ☒ Claim(s) 15 - 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 10 and 12 – 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Spiro (2,253,820).

Re: Claim 10, Spiro discloses a device comprising:

- A base (14, Fig. 1);
- A roller mount (incl. 17 – 20, 26) moveably supported by the base and pivotable about an axis (19);
- a plurality of rollers (21 - 24) supported on the roller mount, the rollers having roller axes that are a fixed distance apart and parallel to the axis; and
- a biasing member (29) that urges the roller mount to pivot about the axis in a direction that urges one of the rollers against a first side of the guide rail and another one of the rollers against an oppositely facing second side of the guide rail, the biasing member is operative to center the base relative to the guide rail; and
- at least one other member (45) that is operative to resist movement of the base in a direction perpendicular to a plane of the base in a direction parallel to the roller axes, the at least one other member being rigidly secured against movement along the direction parallel to the roller axes, the at least one other member remaining fixed relative to the base along the direction parallel to the roller axes.

Re: Claim 12, Spiro discloses wherein the biasing member urges the roller mount to rotate in one direction about the axis.

Re: Claim 13, Spiro discloses wherein the biasing member comprises a spring that resiliently maintains the roller mount in a selected position.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17 – 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spiro in view of Brady (1,854,976).

Re: Claim 17, Spiro is silent with respect to a brace member (30) extending generally parallel to axes of the plurality of rollers.

Attention is directed to Brady who teaches his roller mount includes a brace member (30) extending generally parallel to axes of the plurality of rollers and that is adapted to engage a surface on the guide rail responsive to lateral movement of the base relative to the guide rail.

It would have been obvious to one of ordinary skill in the art to modify the reference of Spiro with the teaching of Brady to provide a brace member as known in the art.

Re: Claim 18, Spiro is silent with respect to a support surface comprising a recess configured such that a side of the recess contacts the guide rail responsive to the corresponding movement of the base relative to the guide rail.

Attention is directed to Brady who teaches his support surface (30) comprising a guide surface/recess (31) such that a side of the recess contacts the guide rail

responsive to the corresponding movement of the base relative to the guide rail, as known in the art.

It would have been obvious to one of ordinary skill in the art to modify the reference of Spiro with the teaching of Brady to mount a support surface with recess at either end (above/below the roller mount) to provide additional sliding guidance as known in the art.

Re: Claim 19, Spiro is silent with respect to an adjuster associated with the biasing member for adjusting a bias of the biasing member on the roller mount.

Attention is directed to Brady who teaches the concept of an adjuster (45, 50) associated with his biasing member (43) to manipulate the loading of his roller mount (37).

It would have been obvious to one of ordinary skill in the art to modify the reference of Spiro with the teaching of Brady to afford adjustability to the biasing member to compensate for guide rail irregularities as well as excessive and insufficient contact between the rollers and the guide rails, for rider comfort and performance.

Allowable Subject Matter

Claims 20 – 33 are allowed.

Claims 15 – 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 2 April 2008 with respect to **Claim 10** have been fully considered but they are not persuasive.

In that an other member (45) of Spiro biases a roller mount (34, 35) against the nose of the guide rail, whereby the other member and a pivotable roller mount (incl. 17 – 20, 26) are rigidly secured against movement along a direction parallel to axes of

rollers of the latter roller mount, by the depicted, yet non-designated stem (extending from 19) and nut, the prior art of record anticipates the amended claim language.

Though the other member of Spiro may extend and contract in the direction parallel to axes of rollers of the pivotable roller mount, the other member remains rigidly secured and fixed relative to the base.

Consequently, with respect to Claim 10, neither the original claim language nor the amended claim language overcame the rejection based on the prior art of record of the previous office action.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefan Kruer whose telephone number is 571.272.5913. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571.272.68566. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

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Art Unit: 3654

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866.217.9197 (toll-free).

/Stefan Kruer/

Examiner, Art Unit 3654

22 May 2008

/Peter M. Cuomo/

Supervisory Patent Examiner, Art Unit 3654